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10 *Attorneys for Plaintiff, HSBC Bank USA, N.A., as Trustee on behalf of ACE Securities Corp.*  
11 *Home Equity Loan Trust and for the registered holders of ACE Securities Corp. Home Equity*  
12 *Loan Trust, Series 2006-ASAP5, Asset Backed Pass-Through Certificates*

13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**

15 HSBC BANK USA, N.A., AS TRUSTEE ON  
16 BEHALF OF ACE SECURITIES CORP.  
17 HOME EQUITY LOAN TRUST AND FOR  
18 THE REGISTERED HOLDERS OF ACE  
19 SECURITIES CORP. HOME EQUITY LOAN  
20 TRUST, SERIES 2006-ASAP5, ASSET  
21 BACKED PASS-THROUGH  
22 CERTIFICATES,

23 Plaintiff,

24 vs.

25 BENJAMIN DONEL; MICHAEL  
26 ESLAMBOLI; SUNDANCE  
27 HOMEOWNERS ASSOCIATION, INC.,

28 Defendants.

Case No.: 2:17-cv-01144-RFB-VCF

**STIPULATION AND ORDER TO STAY  
ALL PROCEEDINGS IN THIS CASE  
PENDING SETTLEMENT**

IT IS HEREBY STIPULATED between Plaintiff, HSBC Bank USA, N.A., as Trustee on behalf of ACE Securities Corp. Home Equity Loan Trust and for the registered holders of ACE Securities Corp. Home Equity Loan Trust, Series 2006-ASAP5, Asset Backed Pass-Through Certificates (“HSBC”), by and through its attorney of record, Yanxiong Li, Esq.; Defendant, Benjamin Donel, in Proper Person; Defendant, Michael Eslamboli, in Proper Person; and Defendant, Sundance Homeowners Association, Inc. (“HOA”), by and through its attorney of record, David T. Ochoa, Esq. as follows:

1           1.       HSBC filed its Complaint on April 25, 2017 commencing this action. [ECF No.  
2 1].

3           2.       On September 7, 2018, this Court entered a Minute Order requiring any  
4 dispositive motions filed within 30 days. [ECF No. 45]

5           3.       On September 11, 2018, HSBC filed a Motion for Clarification, alternatively, to  
6 Reopen Remaining Discovery Period. [ECF No. 46-47]

7           4.       On October 5, 2018, HSBC filed its Motions for Summary Judgment based on  
8 Ninth Circuit's decision in *Bourne Valley Court Trust v. Wells Fargo Bank, N.A.*, 832 F.3d  
9 1154 (9th Cir. 2016), *cert. den.*, 137 S. Ct. 2296 (June 26, 2017) [ECF No. 50], and  
10 alternatively, on HOA's violation of NRS 116 et seq. notice requirements [ECF No. 48]  
11 (collectively as "HSBC MSJs"). HSBC supplemented its MSJs with an Errata filed on  
12 October 12, 2018 [ECF No. 51] enclosing deposition transcript of corporate designee for  
13 Alessi & Koenig, LLC.

14           5.       HOA filed its Responses to HSBC MSJs on October 25, 2018 and October 29,  
15 2018, respectively. [ECF No. 56-57].

16           6.       On October 9, 2018, HOA filed its Motions for Summary Judgment for dismissal  
17 of HSBC's pending claims against HOA. ("HOA MSJ"). [ECF No. 51].

18           7.       Deadline for HSBC to file any response to HOA MSJ is currently set on  
19 October 30, 2018.

20           8.       The Parties have reached an agreement in principal as to the essential terms of  
21 settlement to resolve all pending claims and defenses pending in this action, and require  
22 additional time to memorialize this agreement in writing and perform same.

23           9.       Therefore, the Parties jointly request that all proceedings in this action be stayed,  
24 subject to the requirement for Parties to file a Stipulation for Dismissal or Joint Status Report  
25 on Settlement within 60 days of filing this Stipulation.

26           10.      The Parties further agree that a stay of proceedings will not result in damages,  
27 prejudice, or hardship to any party and is likely to save the Court and Parties significant  
28 resources, including fees, costs, and time which would surely be expended if litigation were

required to continue. *See Dependable Highway Exp., Inc. v. Navigators Ins. Co.*, 498 F.3d 1059, 1066 (9th Cir. 2007) (setting forth factors relevant to a stay)

IT IS SO STIPULATED.

DATED this 29<sup>th</sup> day of October, 2018.

**WRIGHT, FINLAY & ZAK, LLP**

/s/ Yanxiong Li, Esq.

Yanxiong Li, Esq.

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Las Vegas, NV 89117

*Attorney for HSBC Bank USA, N.A., as  
Trustee on behalf of ACE Securities Corp.*

*Home Equity Loan Trust and for the  
registered holders of ACE Securities Corp.*

*Home Equity Loan Trust, Series 2006-ASAP5,  
Asset Backed Pass-Through Certificates*

DATED this 29<sup>th</sup> day of October, 2018.

/s/ Michael Eslamboli

Michael Eslamboli

269 S. Beverly Drive #1365

Beverly Hills, CA 90212

*Defendant in Proper Person*

DATED this 29<sup>th</sup> day of October, 2018.

**LIPSON NEILSON P.C.**

/s/ David T. Ochoa, Esq.

David T. Ochoa, Esq.

Nevada Bar No. 10414

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*Attorney for Sundance Homeowners  
Association, Inc.*

DATED this 29<sup>th</sup> day of October, 2018.

/s/ Benjamin Donel

Benjamin Donel

3435 Wilshire Blvd., Suite 1840

Los Angeles, CA 90010

*Defendant in Proper Person*

**ORDER**

IT IS SO ORDERED.

DATED this 1st day of <sup>November</sup> 2018.



RICHARD F. BOULWARE, II  
United States District Court